

# HOUSE BILL REPORT

## HB 1158

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### As Amended by the Senate

**Title:** An act relating to electronic signatures for juror questionnaires.

**Brief Description:** Allowing electronic signatures on juror questionnaires.

**Sponsors:** Representatives Goodman, Rodne, Pedersen, Warnick and Klippert; by request of Board For Judicial Administration.

#### **Brief History:**

##### **Committee Activity:**

Judiciary: 1/19/09, 1/22/09 [DP].

##### **Floor Activity**

Passed House: 2/23/09, 96-0.

Senate Amended.

Passed Senate: 4/3/09, 44-0.

#### **Brief Summary of Bill**

- Permits the use of an electronic declaration and electronic signature to preliminarily determine whether a person summoned for jury duty is eligible to serve on a jury.

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### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass. Signed by 11 members: Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan, Kelley, Kirby, Ormsby, Roberts, Ross and Warnick.

**Staff:** Courtney Barnes (786-7194)

#### **Background:**

Washington selects jurors at random from voter registration, driver's license, and identicard records. The courts are required to establish a method to preliminarily determine, by a written declaration, whether a person summoned for jury duty is eligible to serve on a jury. Written declarations are typically mailed with the juror summons in the form of a juror

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questionnaire. Written declarations are completed by all potential jurors prior to their appearance at the court to which they are summoned to serve. Written declarations are signed under penalty of perjury by the person summoned that he or she is eligible for jury service. To be eligible for jury service, a person must:

- be at least 18 years of age;
- be a citizen of the United States;
- be a resident of the county in which he or she has been summoned to serve;
- be able to communicate in the English language; and
- have his or her civil rights restored, if convicted of a felony.

Only those jurors who are eligible for service become part of a jury pool. A jury pool is a group of citizens from which trial juries are chosen.

### **Summary of Bill:**

As an alternative to a written declaration and written signature, courts are permitted to establish a means to use an electronic declaration to preliminarily determine whether a person summoned for jury duty is eligible to serve on a jury. Electronic declarations are signed under penalty of perjury by the person summoned for jury service. An electronic signature may be used instead of a written signature. An electronic signature is an electronic sound, symbol, or process attached to or logically associated with a document and executed or adopted by a person with the intent to sign a document.

### **EFFECT OF SENATE AMENDMENT(S):**

The Senate Amendment makes a technical change to the title. The word "declarations" is used instead of "questionnaires."

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

### **Staff Summary of Public Testimony:**

(In support) Many people fail to respond to a juror summons, which is a misdemeanor. Adding an electronic process would help people respond to their juror summons and questionnaire more easily and potentially increase the number of jurors available for the jury pool. The Secretary of State's Office agrees that there is no technical problem with allowing an electronic process for juror questionnaires. Many courts already have jury management systems which provide the courts with the technology to accept an electronic questionnaire and electronic signature, but the courts cannot use this option because the statute requires a written signature. The bill provides the courts with the option of accepting a written or electronic signature when receiving a juror summons and questionnaire.

(Opposed) None.

**Persons Testifying:** (In support) Representative Goodman, prime sponsor; and Mellani McAleenan, Board of Judicial Administration.

**Persons Signed In To Testify But Not Testifying:** None.